



Entered on Docket
March 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USA Capital Diversified Trust Deed Fund, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF CLAIM
OF SHERMAN SIMMONS FILED IN
WRONG DEBTOR'S CASE; AND
SUSTAINING OBJECTION OF DTDF TO
PROPOSED ALLOWANCE OF CLAIM**

Hearing Date: February 3, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

The Court having considered the “Objection of USACM Trust to Proof of Claim of Sherman Simmons Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of Claim” [Docket No. 6690] (the “Objection”); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained;
2. Proof of Claim No. 10725-00370 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”); and
3. The equity interest of The Sherman Simmons Trust Dated 7/25/97, Sherman and Susan Simmons as Trustees, in DTDF is allowed in the amount of \$96,094.65 as reflected in the books and records of DTDF as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

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APPROVED/DISAPPROVED

By: _____
August Landis
Assistant United States Trustee

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
Rob Charles
John Hinderaker
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